REMARKS

This responds to the Office Action mailed on February 25, 2008.

No claims are amended, claims 32 and 33 are canceled, and claims 43 are 44 added; as a result, claims 34-36, 40, and 43-44 stand pending in this application. The new claims merely reintroduce some features of the canceled claims and do not add new matter.

§103 Rejection of the Claims

Claims 32-36 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pare Jr. et al. (U.S. 6,269,348, hereinafter "Pare") in view of Joshi (U.S. 4,688,169) and further in view of St. Regis Paper Co. v. Bemis Co., 193 USPQ 8 (hereinafter "St. Regis").

For the reasons that will be set forth below, Applicant respectfully submits that this rejection is in error, and the identified claims are non-obvious over Pare, Joshi, and St. Regis, and are therefore allowable. Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. [1]

Claim 34 recites, in pertinent part, "after the comparing . . . to verify the user, generating a third mini-server message at the second mini-server based upon the results of the comparison." (Emphasis added through)

The Office Action, at page 3, when discussing this limitation concedes that this feature is not disclosed by Pare. However, the Office Action asserts that this feature would have been obvious to one having ordinary skill in the art at the time the invention was made. Nonetheless, because the office action has not provided articulated reasoning to support the obviousness, the rejection on obviousness grounds is sustained by mere conclusory statements and, thus, is in error. Therefore, Applicant respectfully disagrees with the assertion by the Office Action that the feature would have been obvious and submits that there are substantial differences between what is claimed and what is shown in Pare and Joshi, whether they are considered separately or in combination. Furthermore, because the cited documents do not show all of the elements of the

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[1] *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006)

claimed subject matter of claim 34, those differences are significant and non-obvious to a person of ordinary skill in the art at the time the application was filed. Accordingly, claim 34 is not rendered obvious by cited references and is allowable.

The same arguments as presented with respect to claim 34 is also applicable to a consideration of claim 40. Thus, at least for the reasons set forth above with respect to claim 34, claim 40 is also allowable.

Claims 32 and 33 have been canceled and claims 35, 36, 43, and 44 are dependent on claim 34, thus are deemed to include the limitations of the claim they are dependent on. Accordingly, at least for the reasons noted above are allowable.

Therefore, it is respectfully requested the claim rejections under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney 408-278-4053 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date _April 23, 2008_   By _____
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: MS RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 23rd day of April 2008.

Dawn R. Shaw _____   _____

Name   Signature